

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

Index No.: _____/19

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HENRY RIVERA,**Plaintiff designates
KINGS COUNTY
as place of trial.****Plaintiff,
-against -****The basis of venue is
Defendants' principal places
of business is KINGS
COUNTY****DIOCESE OF BROOKLYN, ST. JOSEPH PATRON
ROMAN CATHOLIC CHURCH,
and SCALABRINIANS MISSIONARY,****SUMMONS****Defendants.**
-----X**The Plaintiff's place of
residence is 16347 Rambling
Vine Dr., Tampa, Florida
33624**

To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,
KINGS COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND
306(a).**

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:

DIOCESE OF BROOKLYN

310 Prospect Park West,
Brooklyn, NY 11215

SCALABRINIANS MISSIONARY

27 Carmine St
New York, NY 10014-4423

ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH

185 Suydam St
Brooklyn, NY 11221

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

Index No.: _____/19

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HENRY RIVERA,**Plaintiff,****-against -****VERIFIED
COMPLAINT****DIOCESE OF BROOKLYN, ST. JOSEPH PATRON
ROMAN CATHOLIC CHURCH and
SCALABRINIANS MISSIONARY,****Defendants.**

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Plaintiff(s), above named, complaining of the defendants, by **MERSON LAW,****PLLC.,** respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of a sexual predator, Father Guido Caverzan ("Caverzan"), being permitted to sexually abuse young children at church by the Diocese of Brooklyn ("Diocese").
2. Caverzan was a priest at St. Joseph Patron Roman Catholic Church in Brooklyn ("St. Joseph Patron"), New York which was part of the Diocese. Caverzan was known among the community and the children as a sexual predator yet he was allowed unfettered access to children including on Diocese's premises.
3. Despite Caverzan's reputation as a sexual predator to young children, he continued to be a priest under the supervision and control of the Diocese of Brooklyn, St. Joseph Patron and Scalabrinians Missionary.
4. The Diocese knew or should have known Caverzan sexually abused children and/or had the propensity to sexually abuse children.

5. In or about 1984, Caverzan, while acting under the scope of his employment with the Diocese, St. Joseph Patron and Scalabrinians Missionary and on behalf of the Diocese, St. Joseph Patron and Scalabrinians Missionary, sexually abused Mr. Rivera, then thirteen years old, by forcing him to sit on his lap, touching Mr. Rivera's penis and otherwise sexually abusing him.
6. Caverzan manipulated Mr. Rivera and other boys in the neighborhood into coming to the church with him with the promise of soda, chocolate bars and basketball.
7. Caverzan told Mr. Rivera and other boys not to tell anyone about the sexual abuse because people would think that Mr. Rivera and the other boys were gay and they would not be allowed to play basketball anymore.
8. Mr. Rivera brings this lawsuit to recover for the emotional and physical suffering they incurred because of the negligence of the Diocese of Brooklyn, St. Joseph Patron and Scalabrinians Missionary and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

PARTIES

9. At all times herein mentioned defendant **DIOCESE OF BROOKLYN** a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
10. At all times herein mentioned, defendant **DIOCESE OF BROOKLYN** was located at 310 Prospect Park West, Brooklyn, New York 11215.
11. At all times herein mentioned, Caverzan was a priest operating under the direction and control of defendant **DIOCESE OF BROOKLYN**, and its agents, servants and/or employees.

12. At all times herein mentioned, Caverzan was an agent, servant and/or employee of defendant **DIOCESE OF BROOKLYN**.
13. At all times herein mentioned defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH** a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
14. At all times herein mentioned, defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH** was located at 185 Suydam St, Brooklyn, NY 11221.
15. At all times herein mentioned, Caverzan was a priest operating under the direction and control of defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH**, and its agents, servants and/or employees.
16. At all times herein mentioned, Caverzan was an agent, servant and/or employee of defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH**.
17. At all times herein mentioned defendant **SCALABRINIANS MISSIONARY** a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
18. At all times herein mentioned, defendant **SCALABRINIANS MISSIONARY** was located at 27 Carmine St New York, NY 10014-4423.
19. At all times herein mentioned, Caverzan was a priest operating under the direction and control of defendant **SCALABRINIANS MISSIONARY**, and its agents, servants and/or employees.
20. At all times herein mentioned, Caverzan was an agent, servant and/or employee of defendant **SCALABRINIANS MISSIONARY**.

21. At all times herein mentioned, Defendants **DIOCESE OF BROOKLYN, ST. JOSEPH PATRON** and **SCALABRINIANS MISSIONARY**, were agents, servants, employees and/or alter egos of each other.

FACTS OF THE CASE

22. Defendants **DIOCESE OF BROOKLYN's, ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH's** and **SCALABRINIANS MISSIONARY's** negligence and recklessness caused Father Caverzan to have access to children, including on Diocese premises, despite its knowledge that Caverzan sexually abused children and/or had the propensity to do so and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **DIOCESE OF BROOKLYN's, ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH's** and **SCALABRINIANS MISSIONARY's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Father Caverzan. Defendants **DIOCESE OF BROOKLYN's, ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH's** and **SCALABRINIANS MISSIONARY's** gross negligence, reckless, wanton, and/or willful conduct warrants punitive liability.
23. Caverzan was the priest at St. Joseph Patron of the Universal Church in Brooklyn, New York.
24. Caverzan befriended Mr. Rivera and other young boys in order to gain their trust so that Mr. Rivera and other young boys would spend time with him playing basketball so that he would be able to sexually abuse them.
25. Caverzan would force Mr. Rivera to sit on his lap and forcibly put his hands down Mr. Rivera's pants and fondle Mr. Rivera's penis.
26. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **DIOCESE OF BROOKLYN's, ST. JOSEPH PATRON ROMAN CATHOLIC**

CHURCH's and **SCALABRINIANS MISSIONARY's** negligence in undertaking a duty to keep patrons, including young children, of its parishes safe from predators and failing to act in accord with that duty by allowing Father Caverzan, a known predator, to continue his role and position of authority where he would continue to have the opportunity to prey on young children, and the Diocese failed to adequately supervise Caverzan.

AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE

AS TO DIOCESE OF BROOKLYN

27. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 26., inclusive, with the same force and effect as if hereinafter set forth at length.
28. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** owed a duty of care including but not limited to in locis parentis to keep the children of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff on Church's premises, and they had a duty to supervise Caverzan.
29. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
30. As a result of the negligence of defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

31. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
32. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
33. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
34. This action falls within exceptions to Article 16 of the C.P.L.R.

AS FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE

AS TO ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH

35. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 34., inclusive, with the same force and effect as if hereinafter set forth at length.
36. At all times mentioned herein, defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH** owed a duty of care including but not limited to in loco parentis to keep the children of its parish safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff on Church's premises, and they had a duty to supervise Caverzan.
37. At all times mentioned herein, defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
38. As a result of the negligence of defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental

anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

39. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
40. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
41. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
42. This action falls within exceptions to Article 16 of the C.P.L.R.

AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENCE

AS TO SCALABRINIANS MISSIONARY

43. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 42., inclusive, with the same force and effect as if hereinafter set forth at length.
44. At all times mentioned herein, defendant **SCALABRINIANS MISSIONARY** owed a duty of care including but not limited to in locis parentis to keep the children of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff on Church's premises, and they had a duty to supervise Caverzan.
45. At all times mentioned herein, defendant **SCALABRINIANS MISSIONARY** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
46. As a result of the negligence of defendant **SCALABRINIANS MISSIONARY** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries,

emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

47. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
48. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
49. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
50. This action falls within exceptions to Article 16 of the C.P.L.R.

AND AS FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,

RETENTION AND SUPERVISION AS TO DIOCESE OF BROOKLYN

51. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 50., inclusive, with the same force and effect as if hereinafter set forth at length.
52. Defendant **DIOCESE OF BROOKLYN**, had a duty to supervise and prevent known risks of harm to patrons and children of its parishes by its clergymen.
53. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Caverzan, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
54. Defendant **DIOCESE OF BROOKLYN** knew or should have known Father Caverzan sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.

55. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
56. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
57. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
58. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
59. This action falls within exceptions to Article 16 of the C.P.L.R.

AND AS FOR A FIFTH CAUSE OF ACTION FOR NEGLIGENT HIRING,

RETENTION AND SUPERVISION

AS TO ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH

60. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 59., inclusive, with the same force and effect as if hereinafter set forth at length.
61. Defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH**, had a duty to supervise and prevent known risks of harm to patrons and children of its parish by its clergymen.
62. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Caverzan, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and

church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.

63. Defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH** knew or should have known Father Caverzan sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
64. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
65. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
66. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
67. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
68. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A SIXTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO SCALABRINIANS MISSIONARY**

69. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 68., inclusive, with the same force and effect as if hereinafter set forth at length.
70. Defendant **SCALABRINIANS MISSIONARY**, had a duty to supervise and prevent known risks of harm to patrons and children of its parishes by its clergymen.

71. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Caverzan, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
72. Defendant **SCALABRINIANS MISSIONARY** knew or should have known Father Caverzan sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
73. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
74. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
75. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
76. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
77. This action falls within exceptions to Article 16 of the C.P.L.R.

AND AS FOR THE SEVENTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS AS TO DIOCESE OF BROOKLYN

78. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 77., inclusive, with the same force and effect as if herein set forth at length.
79. Defendant **DIocese of Brooklyn** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Caverzan, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
80. Defendant **DIocese of Brooklyn** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
81. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Caverzan.
82. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Caverzan sexually abusing Plaintiff.
83. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
84. This action falls within exceptions to Article 16 of the C.P.L.R.

AND AS FOR THE EIGHTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS

AS TO ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH

85. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 84., inclusive, with the same force and effect as if herein set forth at length.

86. Defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Caverzan, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
87. Defendant **ST. JOSEPH PATRON ROMAN CATHOLIC CHURCH** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
88. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Caverzan.
89. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Caverzan sexually abusing Plaintiff.
90. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
91. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE NINTH CAUSE OF ACTION FOR NEGLIGENT INFLECTION OF
EMOTIONAL DISTRESS AS TO SCALABRINIANS MISSIONARY**

92. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 91., inclusive, with the same force and effect as if herein set forth at length.
93. Defendant **SCALABRINIANS MISSIONARY** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise,


supervise and hire Father Caverzan, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

94. Defendant **SCALABRINIANS MISSIONARY** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
95. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Caverzan.
96. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Caverzan sexually abusing Plaintiff.
97. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
98. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Attorney for Plaintiffs
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS****Index No.:**

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HENRY RIVERA,**Plaintiff,****-against -****ATTORNEY
VERIFICATION****DIOCESE OF BROOKLYN, ST. JOSEPH PATRON
ROMAN CATHOLIC CHURCH,
and SCALABRINIANS MISSIONARY,****Defendants.**

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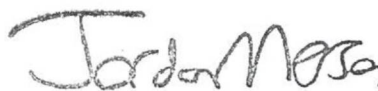
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirm ant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 14, 2019



JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

HENRY RIVERA,

Plaintiff,

- against -

DIOCESE OF BROOKLYN, ST. JOSEPH PATRON
ROMAN CATHOLIC CHURCH and SCALABRINIANS
MISSIONARY,

Defendants,

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone

150 East 58th Street 34th Fl.
New York, New York 10155
(212) 603-9100

To: All Parties
